

1873-016 Chancery Causes: Joseph A. Suttle vs. Alexander D. Stant &  
Lee Co.

Sprinkle

CA-Estate Dispute  
7-Property

To The Hon Henry J Morgan Judge of the  
County Court of Lee County  
Yam Arator Joseph A Suttle humbly complaining  
represents that his father <sup>deceased</sup>  
this life. Several years since leaving him his  
only heir and distributee of his estate. At  
the death of his father he was an infant only  
of the age of <sup>18</sup> years and at the  
time 18 of the Court of said County one  
Alexander D Stuhl became his guardian and  
executive bond with Ira L Sprinkle as his  
security in the penalty of \$1000 with the  
usual conditions, A copy of the order of this  
Court appointing the said Stuhl his guardian  
and a transcript of said bond bond is  
filed herewith and prayed to be considered  
with this bill. Yam Arator states that  
while he was an infant large sums of money  
came into the hands of his said guardian paid  
to him by the administrator of his father's estate  
the precise amount is not known with exactitude  
by Yam Arator but believes there were some  
three or four hundred dollars and no  
part thereof has ever been expended by said  
guardian for Yam Arator's benefit. Yam  
Arator is now 22 years of age and since  
he attained his majority he frequently  
applied to said Stuhl for a settlement and  
payment of what was due him. He got fair  
promises and many evasions but has been unable



hitherto to obtain either a settlement or payment  
of what is due him or any part thereof, and  
is driven into equity for relief his prayer  
is that the said Alexander D. Smith and  
Ira G. Sprinkle his said security be made  
defendants to this bill that they answer  
the statements upon oath and that defendant  
Smith specially answer as to all the sums  
received by him as guardian &c. other  
received and if he made any legitimate  
disbursements set forth the same - that on  
a hearing if it appears necessary that  
an account be ordered to ascertain  
how much is due from brother and  
a decree be rendered against defendants  
for the same and grant general  
relief may sum issue to

Hogan Pridmore

Ira G. Sprinkle at al  
ads

Joseph A. Suttles

The Defendants say that the plaintiffs bill is not  
sufficient in law.

} Demurrer

Shas & Miller

for Defts.







2  
To the Honorable Henry J. Morgan Judge of the  
County Court of Lee County

The Answer of Alexander D. Stout and Ira  
G. Sprinkle to the bill of Complaint filed against  
them by Joseph A. Suttles respectfully represents that  
it is true that respondent Alexander D. Stout at  
the August term of the County Court of Lee County  
in the year 1866 was appointed Guardian for the  
plaintiff and the said Ira G. Sprinkle became  
his security as such and both signed a bond  
bearing that date in the penalty of \$600.00 Con-  
ditioned according to law. But your respond-  
ents deny that any thing whatever went into respondent  
A. D. Stouts hands as Guardian for Complainant  
to the best of his knowledge, recollection, and belief  
except into bonds on himself which he had pre-  
viously executed to John W. Muncy late Guardian  
of the plaintiff one of which was executed for \$205.00  
and was dated and due on the 10th day of February  
1863 and the other was executed for \$50.00 and was  
dated and due on the 8th day of May 1863 and your  
respondents herewith file the said notes or bonds  
as part of this answer marked respectively (1) & (2).

Your respondents claim that the said bonds were  
liable to be sealed they having been executed for Con-  
federate money as respondent Stout now remembers  
except about \$25.00 of which was Virginia money,  
and this is all that he had as effects belonging to  
plaintiff and nothing whatever went into respondents  
hands since he became the Guardian of plaintiff.  
Respondents will here state that on the 21st day of  
August 1854 the County Court of Lee County appointed  
one Rebecca Suttles as Guardian for Complainant who  
together with one Robert W. Muncy and one Francis  
A. Muncy executed a bond in the penalty of \$800.00



Conditioned according to law - a Copy of Said order of Court and Bond are also here with filed marked respectively (3) & (4) and made a part of this answer. Respondents further state that afterwards about the 20th day of March 1855 the Said John Muncy was appointed Guardian of Complainant who together with Said Robert W. Muncy and One Andrew Baumgarner as his Securities executed a bond as such in the penalty of \$500.00 Conditioned according to law and by which it will be seen that Rebecca Suttles ~~Plaintiff~~ was appointed Plaintiffs' Guardian on the 21st day of August 1854 and John Muncy was appointed his Guardian on the 20th day of March 1855 and respondent Stout was appointed his Guardian on the 20th day of August 1866 and the delinquencies that have occurred are principally if not altogether chargeable to his former Guardians and their Securities and more particularly chargeable to his late Guardian John Muncy and his Securities as he acted as Plaintiffs' Guardian from the 20th day of March 1855 and up to the 20th day of August 1866 the time on which respondent ~~John Muncy~~ Stout was appointed. Your respondents will file a cross bill against the late Guardians and their Securities when it becomes necessary for them to do so but they are advised that as the ~~plaintiff~~ is now of age and can sue on his own behalf it is proper for him to proceed against them and not make these respondents liable for more than what actually went into A.D. Stout's hands as Guardian which is only the scaled value of the two bonds aforesaid which he owed the late Guardian at the time he became Guardian himself

and since then he has paid for necessarys the following payments to wit, <sup>which he prays may be allowed as credits</sup> he paid for plaintiff to E. Hanary & Son \$5.80 on the 17th day of Jan 1868 and he paid to E. Hanary & Son \$7.00 on the 23rd of Jan. 1868 and he paid to plaintiff \$21.96 on the 20th day of April 1870 receipts of all which are herewith filed as part of this answer marked respectively (5) (6) & (7). <sup>and he also gives Complainant an order to John Muncy for \$18.00 in answer to the interrogatories contained in the prayer of Complainant's</sup> ~~Bill~~ Respondent Stout states that he only received as Guardian the two notes on himself and never did as Guardian receive into his hands any other effects of Complainant as he now remembers the money he received for ~~Said notes~~ which he executed said notes was received by him long before he became the Plaintiffs' Guardian and was Confederate money as he now remembers ~~receipts~~ \$25.00 and that was received by him at the date of said notes to wit \$205.00 on the 10th day of February 1863 when Confederate money was \$4.00 to \$1.00 and \$50.00 on the 8th day of May 1863 when Confederate money was from \$5.50 to \$6.00 for \$1.00 Your respondent does not remember any other legitimate disbursements he made than what he claims above as stated in the receipts herewith filed, <sup>and what he received under the order to John Muncy</sup> and under these circumstances respondents ~~only~~ claim that they are entitled to the benefit of the Sealing Laws and that they can be only held accountable for the intrinsic value of the money that was in his hands at the time. And having answered they pray the plaintiffs bill be dismissed with their costs &c.

Sharp & Miller  
for Respondents

Subscribed before me by Alexander D. Stout May 3rd 1872.

James W. C. Clerk, Seal Co. Court



SVm  
A. D. Stout et al.

ads Answer

Joseph A. Suttle

Filed at July Term 1872.  
by leave of the Court.

James W. Orr, Clerk.

I do hereby certify that  
I have drawn for Joseph P. Pullis  
the sum of two hundred  
and thirty dollars for  
value received of him with my  
my hand and seal this  
day of February 1862  
Attest  
O. M. W. A. B. L.



84. for 81.0

82

Val

82005

11



Due John W. Muncy late guard-  
-ian for Joseph A. Suttles the sum  
of Fifty Dollars for value received  
of him witness my hand & seal  
this 8<sup>th</sup> day of May 1863,  
test

John H. Allen

(Seal)



25-50 to 30. for 21-00

(2)



Joseph A. Suttles  
vs. } Notes &  
} Accounts,  
A. J. Stout

---

Settlement testified  
from Jan'y 17th to Jan'y  
1852 1853.



Joseph Luttis  
against  
A. D. Stark and

Plff { In lty  
Defth }

This cause came on this day to be heard on  
the papers formally read and report of Master  
Commissioner James M. Orr. and was argued by  
Counsel. And said report being filed more than  
ten days and unexcepted to, is confirmed.

On consideration it is adjudged ordered and decreed  
that the plaintiff recover against the defendants  
Alexander D. Stark and John G. Spinked, the sum  
of \$347.73 with interest thereon from the 31<sup>st</sup> day  
of August 1871 till paid and ~~and the costs of the said~~  
subject to a credit of \$60.25 paid on the 1<sup>st</sup> day of October  
1872. It is further ordered that the defendants pay  
to the plaintiff his costs here expended. And the  
cause is stricken from the docket.



Joseph A. Little

of { Allen - final

A. A. Smith et al

Entered Order Book page  
213 + 214.

James W. Orr. Clerk.

Ester Tins Deere

H. J. Morgan

Feb 1873



Joseph & Suttles      44

ex & Suttles & Suttles      In by  
This cause came on this day to be  
heard on the bill of the plaintiff  
The answer of the defendants ~~Isa & Suttles~~  
with application and was argued  
by counsel. An order was made  
it is adjudged ordered and decreed  
That ~~Commissioners~~ ~~be appointed~~  
~~proceed and~~

James B. Carr — — — be appointed  
a Special Commissioner whose duty it  
is made to settle and adjust  
the questions of account of the defendants  
Suttles with the plaintiff his wife. He  
will report the true amount if any, due  
from said plaintiff, and report upon  
any matter, arising by the parties or which  
he may deem pertinent. And report  
to the Court. And the cause is  
continued



Script of Little

12. } Decem

( L. H. Hunt et al

Entered Ord. Book, a. s. d.  
11. 11. 11. 11. 11.

Entered Decem

Henry Morgan

July 16 1872



To the Honorable Court of the Supreme Court of the State of New York,  
County of New York. The undersigned is a man in a due and proper  
manner rendered on the 10th day of July 1866 in the  
cause of Joseph A. Little against W. L. Smith et al, appointed  
a special Commissioner in these duties it was made to  
settle and adjust the Guardianship account of said  
W. L. Smith with said Little his infant ward, and to report  
thereon and of any due from said Guardianship and to  
report upon any matter required by the parties deemed  
pertinent to himself, and in discharge of the duties thus  
assigned me, respectfully report that I have notice by  
posting a notice at the Court house door and by the  
mail to the parties, and by what Smith's friends and  
also verbal notice to defendants Counsel true on the 11th  
day of June 1866 that the Clerk of the County Court  
would proceed to execute the requirements of said decree  
and being unable to proceed on that day, I adjourned the  
trial of said account from time to time, (by order of Adjourn-  
ment the said parties had notice) until the 1st day  
of January 1867 when in the presence of defendants Counsel  
and I have proceeded to take the same.  
The defendant W. L. Smith was at the said term 1866  
of your honorable Court appointed Guardian of the person  
and property of Little and entered into bond as sworn and I have  
given him security and in his answer to a bill filed in  
this Court under the name of a report to the Court  
and into his hands is the custody of said ward to the best  
of his knowledge, discretion and ability except that bonds  
are filed which are and are intended to be paid.

[illegible]



... it is the fact that the ...  
... the date ...  
... is in the ...  
... all these ...  
... on the 1st ...  
... the sum of \$547.50 ...  
... the date. I have ... the statement of said account  
... than the 31st day of August 1873 ... the said  
... of ... at that time ... the age of 21  
... I suppose the duties of said ... as ...  
... at that time ... it ...  
... to the said ... as ...  
... the ... of ... is ...  
... January 1st 1873.

James H. ...  
...

The allowance by Court of W-est of 7 1/2 per cent.  
 upon the amount of the receipt which defendant-  
 struck executed during the former guardianship is  
 accepted in. Commission is not allowed for  
 what goes into the hands of a guardian but  
 on what he pays out. It is his disbursements upon  
 which commissions should be allowed.  
 July 16<sup>th</sup> 1873. H. L. G. H.

Jan. 1874  
 Wm. C. H.

H. L. G. H.  
 Dec. 1873.

Wm. C. H.



I have received from A. L. Hunt the sum of \$60.25 to be credited on his Guardianship account, which amount was received by me on the 1st day of October 1872, given under my hand this the day of 1873.

Joseph A. Smith.

Wm. A. Dutton  
Sept. 1860. 25  
L. D. Stout, Board

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At 12.30 I had a small dinner, then  
I went to the library & the cap. house & the  
other rooms and took the papers and minutes to a  
place where I was to write the said paper. I will  
send it to the Secretary to be read in  
the next meeting.  
I am  
Yours truly  
James H. Carr

1221

1221

(1221)



my court clerk's office the 1st day of February 1873.

Isaac Suttle

Plaintiff

vs

Ans. to be heard by

L. G. Waite & Dr. C. Sprinkle

Defendants

The Depositions of John H. Muncy & John H. Allen witnesses in behalf of the plaintiff, taken before James W. Orr special Commissioner in the above styled Cause.

John H. Muncy a witness of lawful age being first duly sworn deposes and says, I was on the 20th day of March 1865, appointed by the County Court of Lee County Virginia, Guardian for Joseph A Suttle minor heir of Isaac Suttle, dead, and qualified & entered in to bond as such, before said Court, on that day, I was afterwards & signed my said office and A. T. Stant was appointed Guardian for said minor, during my term as Guardian for my said ward some estate came into my hands relating to said ward, part of which was paid out by me as Guardian, for necessary expenditures, and on the 31st day of August 1866, I took from said Stant then Guardian for said ward, a receipt for \$812.70 which was the amount at that date, of a note which said Stant had executed to me for the amount of two notes given by him to me as Guardian for said ward, for money loaned him, one of which notes was dated the 10th day of February 1863, and was for the sum of \$200.00, and the other was dated May the 8th 1863, and was for the sum of \$50.00. These last two mentioned notes are the notes filed in the suit of Joseph A Suttle against said Stant & Dr. C. Sprinkle, and for which said Stant executed a new note, and which new note he filed from me in executing said receipt as Guardian for the said sum of \$812.70 which receipt I filed as a voucher before the Commissioner in the settlement of my Guardianship account. In regard to the kind of money loaned said Stant by me, for which he executed the two notes dated respectively February 10th 1863 and May 8th 1863, my best recollection now is that said money was nearly all, if not quite all, State bank - now I think there may have been a few dollars of the amount in specie.

... that the understanding between myself and said Stant  
at the time of said loan was that he should account for said  
money as would pay and satisfy the said Joseph A. Suttle, and  
he should return an account for the amount loaned him  
dollar for dollar, which he agreed to do, stating that he ex-  
pected to use the money in a way that it would be worth  
to him dollar for dollar, or as much as any money, &c. saying  
him at the time, that he nor no other man could get the money  
in any other way than with that understanding.  
and further this document with me. Of due of the 11th of May

... to Allen as other witnesses of lawful age being first  
examined, deposes and says: - I was present on the 1st  
day of May 1863 and wrote a note for A. L. Stant to John W.  
Money as late Guardian for Joseph A. Suttle for \$2000, money loaned  
to said Stant by said Henry on that day, and my best recollection  
now is that the money for which said note was given, was  
only all, if not quite all, State bank money, and the understand-  
ing between the parties at the time, as stated in my previous  
deposition, was that said Stant was to account for the said sum of money  
dollar for dollar, the said Henry repeating more than once  
that he would not let him nor any other man have the  
money in any other way than with the understanding  
that he should account for the same dollar for dollar, and  
the said Stant took the money, as I understood it, in that  
way, stating that it would answer his purposes.  
... after the said 1st day of May 1863, I do not now  
remember the date, I by request of John W. Money and A. L. Stant  
made a calculation of the amount of the said \$2000 note and an-  
other note of \$2000 held by said Money as late Guardian for  
said Suttle, on said Stant; and the said Stant thereupon executed  
to said Henry a new note for the amount of said two notes,  
which note was written, and witnessed by me as I now

... but I do not now remember the amount, or the date there-  
of, and further it is different with me,

... 11th of May one days attendance, &c. &c.  
... foregoing Depositions were taken and subscribed before me  
on the day at the place and in the case above stated.  
James W. Carr, Special  
Commissioner.



Joseph & Suttle  
vs. Depositions  
A. D. Stout et al

(13)

1867

161

1861

1870

on 31st	"	the same were counted for as for last year statement	180.60
		Interest on same to 31st 1870.	17.54
		Total amount, \$200.14, paid 31st 1870.	180.47
3.	the same, paid year end march April 30th 1870.	21.97	
		Interest on same to 31st 1870.	47
"	"	the same were accounted for this year to square.	182.80



1877  
April

... ..

\$123.05

... ..

14.68

... ..

347.73

... ..

347.73

347.73

Dr. J. H. ...  
... ..  
... ..  
... ..  
... ..



My Dear Mr. Bennett

11040

Concord, Mass.

1 Co. B.

— — — — —

C. A. D. Stuart  
Bought E. Flanary & Sons  
For J. A. Little  
(Amount of Bonds \$5.80)

E. Flanary & Sons

Jan 17, 1868



(1)

(57)

Received of A. D. Stout, Treasurer  
for 1867 what settles the amount  
of the within account this  
17th January 1868

E. Flannery & Sons.

Jan 23<sup>d</sup> 1868

A & Stout dr.

of Flannery & sons

gals James at 6f	600
1 shirt bosom 35	35
1 yds domestic 11	50
Thread and buttons	15

Received of A & Stout

guardian for Joseph A. Sullivan & Theobald  
account this 23<sup>d</sup> Jan 1868  
C. Flannery & sons

( 2 )

797



April the 20th 1870

Received of J. D. Stout guardian of  
Joseph & Dutton Twenty one dollars  
and thirty seven cents for clothing  
and sustenance for which I shall  
be accounted for in a settlement  
with the Commissioner

Attest  
J. D. Stout

his  
Joseph X. & Dutton  
mark

Joseph T. Sullivan  
Sr  
Receipt  
\$21.97

(B)

Know all Men by these Presents, that we, Alexander S. Stout  
and J. Sprinkle

of Lee county, are held and firmly bound unto THE COMMONWEALTH OF VIRGINIA, in the  
sum of *Six hundred* dollars;

to which payment, well and truly to be made to the said Commonwealth, we bind ourselves, jointly  
and severally, firmly by these presents, Witness, our hands and seals, this *20th*  
day of *August* 186*6*.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas the above bound

*Alexander S. Stout*  
has <sup>this day</sup> been appointed Guardian for *Isaac Suttles*  
by the County Court of Lee County guardian for *Isaac Suttles*  
~~minor heirs at law of~~ *infant Child of Isaac Suttles* deceased;

Now, if the said *Alexander S. Stout*  
shall faithfully perform and discharge the duties of *office of Guardian* as aforesaid, then  
the above obligation to be void, otherwise to remain in full force and virtue.

~~Acknowledged in Court.~~

*\$1.00 stamp*

*A. S. Stout & Seal*  
*J. Sprinkle & Seal*  
*Mar 18*





Know all Men by these Presents, that we,

of Lee county, are held and firmly bound unto THE COMMONWEALTH OF VIRGINIA, in the  
sum of *five hundred* dollars;

to which payment, well and truly to be made to the said Commonwealth, we bind ourselves jointly  
and severally, firmly by these presents. Witness, our hands and seals, this *20th*  
day of *March* 18*65*.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas the above bound

ha been appointed Guardian for

*Joseph H. Suttles orphan of Isaac Suttles*

~~minor heirs at law of~~

deceased;

Now, if the said

shall faithfully perform and discharge the duties of

office of *Guardians according to law* aforesaid, then

the above obligation to be void, otherwise to remain in full force and ~~virtue~~.

~~Acknowledged in Court~~

*John Munney & Seal*  
*Robert W. Munney Seal*  
*Andrew Baumgardner Seal*

John Muncy  
Guardian Bond,

(2)



111

It is not a common thing to find  
and see in the course of the Convention  
from a meeting the 21st day of August  
1854.

The Court with session before the Court  
to judge Suttles of the case Suttles second  
and therefore the Suttles before Suttles with Robert H.  
Murray and Francis H. Murray as Suttles entered  
into an acknowledged bond in the penalty  
of \$500 with condition according to law.

from 1772 to  
between 1771  
and 1772

(3)

Know all Men by these Presents, that we,

of Lee county, are held and firmly bound unto THE COMMONWEALTH OF VIRGINIA, in the  
sum of *Eight hundred* dollars;

to which payment, well and truly to be made to the said Commonwealth, we bind ourselves jointly  
and severally, firmly by these Presents. Witness, our hands and seals, this *21<sup>st</sup>*

day of *August* 18*54*.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas the above bound *Rebecca*  
*Suttle*

ha been appointed Guardian-for=

*to Joseph Suttle orphan of Isaac Suttles*

~~minor heirs at law of~~

~~-deceased-~~

Now, if the said

shall faithfully perform and discharge the duties of

office of *Guardian* according to law then  
~~aforsaid, then-~~

the above obligation to be void, otherwise to remain in full force and virtue.

~~Acknowledged in Court~~

*Rebecca Suttles* {Seal}  
*Robert W. Muney* {Seal}  
*Francis A. Muney* {Seal}



Rebecca Suttles

is } Copy of  
Guardian Bond

Joseph Suttles orphan  
of Isaac Suttles.

(4)

Virginia,

At a county court, continued and held for Lee County, at  
the court house thereon  
Joseph A. Suttle.

16th day of July 1872.

Plff.

vs  
The Chancery.

or  
A. D. Stout et al

Defk. 2

On consideration thereof it is adjudged ordered & decreed that James H. Orr be appointed a special commissioner whose duty it is made to state, & the next adjourn the Guardianship account of the Defendant Stout with the Plff. His word, he will report the true account if any due from said Guardian, and report upon any matters required by the parties, or which he may deem pertinent, and report to this court and the cause is continued.

Attest

James H. Orr, Clerk.

Notice!

On Saturday, the 17th day of January 1872, at the Clerk's Office of the County Court of Lee County, I will proceed to execute the above Decree, at which time and place all persons interested are required to attend with their evidence.

Given under my hand this 20th day of December 1872.

James H. Orr,  
Special Commissioner

Joseph A. Thutle  
vs E. Combs Notice (4 copies)

H. D. Stouffer et al

Executed & L. Hamblen  
25.1  
11

Shiff's Fee \$1.50



The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY--GREETING;

WE COMMAND YOU TO SUMMON *Alexander D Stout & Isaac Sprinkle*

to appear before the Judge of our County Court, for Lee County, at the Court-House, in the Clerk's Office, at Rules to be holden for said Court, on the first Monday in *April* next to answer a bill in Chancery, exhibited in our said Court, against *them* by *Joseph A Suttle*

And have then there this writ. Witness, *James* ~~JOHN~~ W. ORR, Clerk of our said Court, at the Court-House, this *1st*- day of *March* 1872, in the *96th* year of the Commonwealth.

*James W Orr.* Clerk.

For deposit the said deposit of the within name  
and an answer not due 30th 1872

<sup>At & R.</sup>  
Joseph A. Suttle  
vs 3 Spa in Chancery.

A. D. Stout et al  
April Rules 1872

Exceedingly delivering  
Each of the within name  
an at law Official  
Copy to Am Bankers  
for C. S. Hamblin S. S. C.

(Tax Paid)

The Commonwealth of Virginia :

To the Sheriff of Lee

County---Greeting:

We command you to summon

*John B Allen*

*James W Orr Special Commissioner*

to appear before ~~the Judge of our County Court for Lee county~~, at the Court House on the  
*1st* day of *February* 1873 ~~term next~~, to testify and the truth

to speak on behalf of *Joseph A Suttle*

in a certain matter of controversy depending in <sup>*Lee county*</sup> our ~~said~~ Court, between *said Suttle*

Plaintiff and

*A. D. Stout et als*

Defendant. And this *he* shall in no wise omit under the penalty of sixteen dollars.

And have then there this writ. Witness, JAS. W. ORR, Clerk of our said Court, at the

Court House, this *31st* day of *January* 1873, in the *27th*

year of the Commonwealth.

*James W Orr Clerk*



Joseph A. Smith  
to J. A. Smith  
H. G. Stant et al

1st Day February 1873

I accept legal service  
of the within S. W. Jan  
3rd 1873.

John H. Allen